



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

June 6, 2007

Regulatory Division
200601070

PUBLIC NOTICE
Savannah District

The US Army Corps of Engineers (USACE), Savannah District, has received a draft Banking Instrument (BI) titled "Seven Branches Farm Mitigation Bank " (SBFMB) dated April 11, 2007. This draft BI describes the establishment, maintenance and operation of a proposed commercial compensatory wetland and stream mitigation bank. The mitigation bank would be used to provide compensatory mitigation for unavoidable impacts to waters of the United States associated with Department of the Army permits. Issuance of a public notice regarding proposed mitigation banks is recommended pursuant to the "Federal Guidance for the Establishment, Use and Operation of Mitigation Banks," as published in the November 28, 1995, Federal Register, Vol. 60, No. 228, Pages 58605-58614.

The USACE is the chair of the Georgia Interagency Review Team (IRT), with the US Environmental Protection Agency, US Fish and Wildlife Service, National Marine Fisheries Service, and Georgia Department of Natural Resources, Environmental Protection Division, serving as coordinating agencies. Prior to making a final decision on the draft BI and mitigation bank, the USACE is hereby notifying the public and soliciting comments regarding this proposal.

Application Number: 200601070

Bank Sponsor: Mr. John Wayt, III
PO Box 149
Jamestown, Rhode Island 02835

Agent: Wetland and Ecological Consultants, LLC
3225 South Cherokee Lane
Blgd. 800
Woodstock, Georgia 30188

Location of Proposed Work: The proposed SBFMB is approximately 38.5 acres in size and is accessed from Bethelview Road in Forsyth County, Georgia (Figure 1). The subject site is located within the bottomland flood zone of Big Creek at 34° 11' 37"N, 84° 11' 10"W. The SBFMB's upstream watershed includes the upper 11 square miles (mi²) (10.5%) of the 104 mi² Big Creek watershed (Figure 2). Big Creek's watershed is included in the Upper Chattahoochee River watershed (Hydrologic Unit Code 03130001).

Project Description: The mitigation actions within the SBFMB will generate 57,450.5 stream mitigation credits. The existing jurisdictional waters on the site include approximately 6.5 acres of wetlands, approximately 3,300 linear feet of Big Creek, and approximately 3,000 linear feet of two unnamed tributaries to Big Creek, which have been channelized. The property includes both banks of Big Creek for approximately 2,500 linear feet. The site contains three wetland systems, which total approximately 3.5 acres.

The proposed SBFMB is comprised primarily of improved pasture, but also includes forested areas located in the existing wetlands and along Big Creek and the unchannelized reach of the Western Tributary. The dominant vegetation within the pasture portions of the bank site includes fescue (*Festuca* sp.), common rush (*Juncus effusus*), sedges (*Carex* spp.), and blackberry (*Rubus* sp.). The edges of the pasture are primarily dominated by Chinese privet. The existing forested areas are comprised primarily of red maple (*Acer rubrum*), tulip poplar (*Liriodendron tulipifera*), and sweet gum (*Liquidambar styraciflua*), with an understory dominated by Chinese privet.

Based on 2005 aerial photographs, the SBFMB watershed is approximately 60% developed and includes the downtown area of the City of Cumming. Another USACE-approved mitigation bank, the Big Creek – Forsyth Mitigation Bank (USACE File No. 200402590) is located approximately 2,000 linear feet downstream of the proposed SBFMB.

The bank site was a former cattle/horse pasture, and currently is used for hay production. To facilitate drainage and increase agricultural production, tributaries on the east and west side of Big Creek were channelized. The upland (i.e., non-floodplain) property to the west of the SBFMB was the former site of the Atlanta Steeplechase. The site includes a 20-foot wide sanitary sewer easement, which is owned by the City of Cumming. The site also includes a 50-foot wide transportation easement that will be used as a private drive for access to the upland portion of the bank sponsors' property that will become land-locked by the SBFMB and for mitigation success monitoring efforts. Within this easement, a bridge or other bottomless structure will be used to cross Big Creek. A temporary ford within Big Creek will be located within this easement to allow for construction of the new stream channel in the eastern portion of the site. This ford will be removed upon construction of the permanent bridge. These easements are not included in the mitigation bank and no mitigation credit will be generated within these easements.

According to the Soil Survey of Forsyth County, Georgia, the predominate soil types within the proposed bank are Congaree silt loam and poorly drained alluvial land. Other mapped soil types within the proposed SBFMB include Appling sandy clay loam, Cecil sandy loam, Cecil clay loam, and Chewacla silt loam.

The SBFMB service area is located in the Upper Chattahoochee River watershed (Hydrologic Unit Code 03130001), which is the proposed primary service area. The adjacent Middle Chattahoochee River watershed (HUC 03130002) is proposed as the secondary service area.

The perpetual legally binding protection and preservation of the bank site will be accomplished through a Restricted Covenant. The restrictive covenant will not allow

construction, agriculture, or soil disturbance within the SBFMB boundaries. Passive uses of the bank such as recreational hunting, fishing, and hiking will be allowed. To facilitate these passive uses, the bank sponsor intends to maintain a hiking trail system within and adjacent to the SBFMB. The majority of the trails will be located outside of the bank boundaries. Trails within the bank will be less than 10 feet in width, and will have a pervious surface (i.e., grass and/or mulch). A wooden foot bridge will be constructed where the trail crosses Big Creek .

Based on a preliminary review of this proposal, the USACE has determined that an environmental impact statement will not be required; no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and no cultural or historic resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be effected. Additional information may change any of these preliminary determinations.

Final approval of this proposed commercial compensatory mitigation bank and any subsequent use is the decision of the USACE pursuant to Section 404 of the Clean Water Act. The USACE provides no guarantee that any particular standard individual or general permit would be granted authorization to use this mitigation bank to compensate for unavoidable wetland and/or stream impacts associated with a proposed permit, even though mitigation from this bank may be available.

Comment Period: The USACE is soliciting comments from the public; Federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate this proposed mitigation bank. Any comments received will be considered by the USACE in evaluating this proposal. Anyone wishing to comment on this proposal should submit comments in writing to the US Army Corps of Engineers, Savannah District, Regulatory Division, Piedmont Branch, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the Bank Sponsor (Mr. John Wayt) and file number (200601070) in your comments.

If you have any further questions concerning this matter, please contact Mr. Gary Craig of the Regulatory Division at (678) 422-2728.

3 Enclosures

1. Site Location Map
2. Jurisdiction and Site Boundary Map
3. Service Area Map



Base Map: USGS 7.5-Minute Topographic Quadrangle of Cumming, Georgia

1:24,000

**Seven Branches Farm
Mitigation Bank**

Forsyth County, Georgia

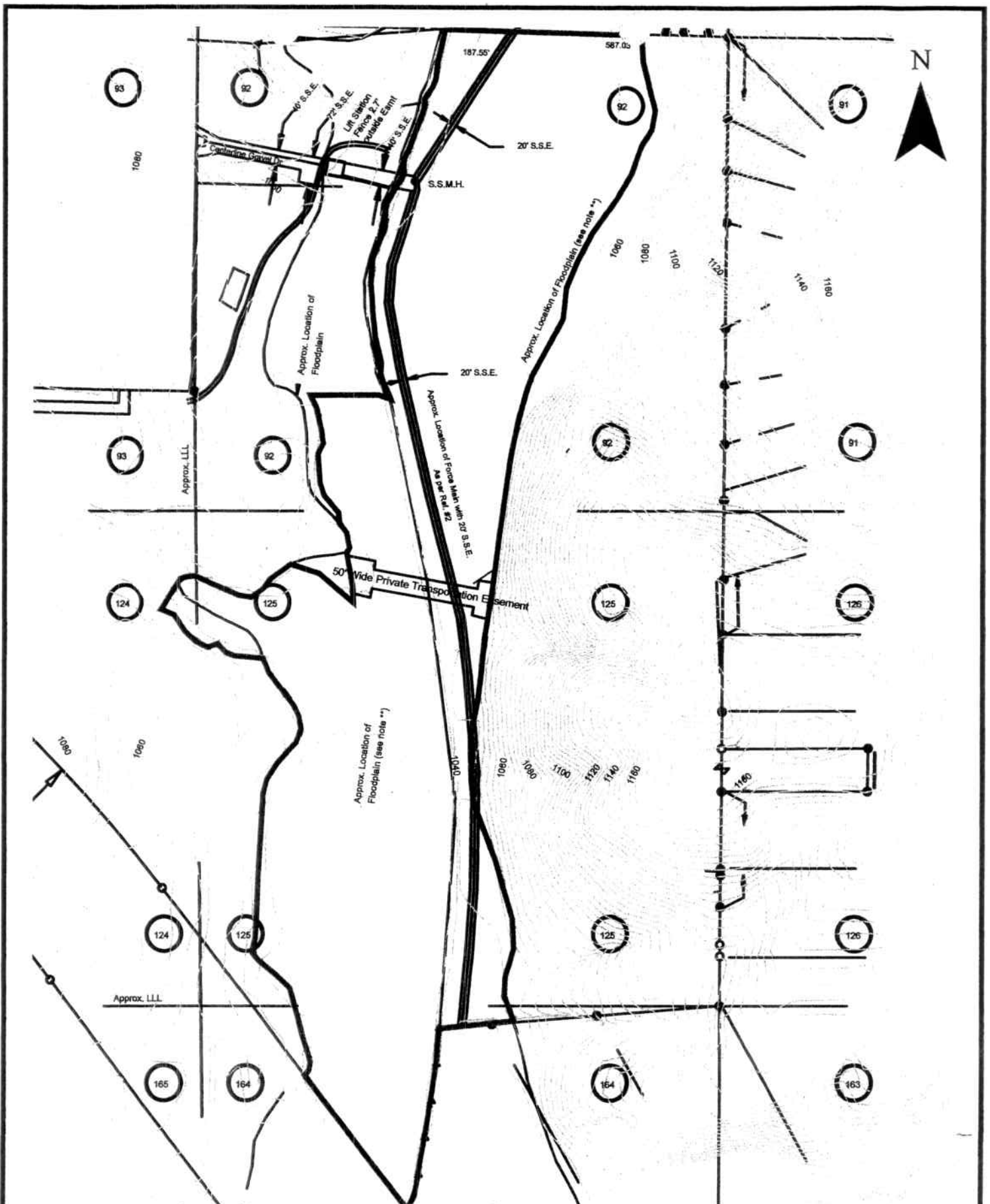


**WETLAND & ECOLOGICAL
CONSULTANTS, LLC**
Woodstock, Georgia

Figure 1

Site Location Map

WEC Project No. 02-020106



Base Map Courtesy of Applachian Surveying, Engineering & Planning, Inc.

1:4,200

**Seven Branches Farm
Mitigation Bank**

Forsyth County, Georgia

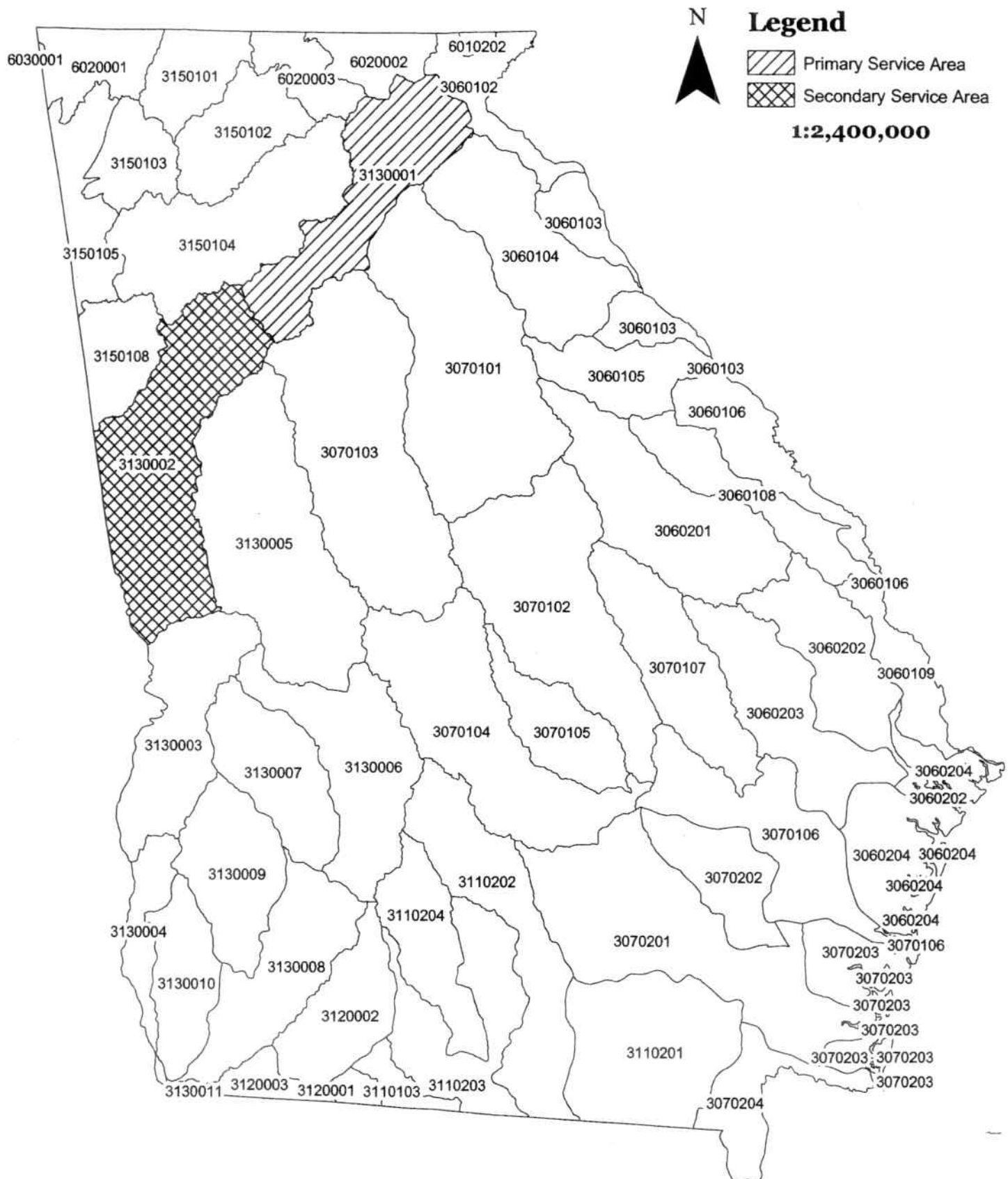


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Figure 3

Topo and Boundary Survey

WEC Project No. 02-020106



**Seven Branches Farm
Mitigation Bank**

Forsyth County, Georgia


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Figure 4

Proposed Service Area

WEC Project No. 02-20106